

# Exhibit 59

October 18, 2011

To: Tom Sinclair, BCDC  
Ellen Miramontes, BCDC

From: Mark and Maureen Sanders, Westpoint Harbor

Reference: Your letter of September 1, 2011, regarding Westpoint Harbor

Subject: **Last items**

Dear Ellen and Tom,

You have received responses to your referenced letter for each of the following items:

- Permit Extension
- Berthing agreement and on-board toilets
- NOAA notification and chart updates
- Plans, channel and Greco Island signage and buoys
- Live-aboard locations, number of berths
- Redwood City codes
- Signage for sensitive habitat at boat ramp
- On-time plan submission
- Public access improvements

There remain several additional items and the following responses apply.

**Visual barrier to adjacent (southern) salt pond**

This fence was a requirement from Cargill Salt Company. It was not to protect bird life, but to reduce the chance of people venturing onto their ponds. The levee between the properties was later widened for geotechnical reasons, increasing the slope from 3:1 to 7:1. At that time BCDC (Andrea Gaut), Cargill and Westpoint Harbor agreed the setback was sufficient to eliminate the need for a fence, and the permit was amended. The fence was considered unsightly and would accumulate trash because of wind direction.

Your letter indicates the barrier "seems to be less than 85 feet, on average 60 to 70 feet". The hinge point (where the levee begins to incline towards Cargill's pond) is at elevation 112, and the toe (the bottom of the levee) is at mean sea level, or elevation 100. At a 7:1 slope this equates to 84 feet, and with the curb setback is 85 feet. This is not obvious because several

feet of salt and rain water typically accumulate over the true bottom of the Cargill pond during the salt farming process. Just two feet of salt equates to 14 horizontal feet lost, obscuring the extent of the setback.

### **Landscaping**

As you know BMS design has been working with Eggli Landscaping and Bohley Consulting to provide more detailed drawings of the existing and proposed landscaping for Phase 1 of the marina project. As-built drawings are complete, and BMS is coordinating with Ellen on corrections and changes. Most important of these from my perspective are correcting mistakes and aligning landscaping, paths and furniture with project construction phases.

### **Public Parking signage**

BMS (Valerie) is discussing this with Ellen, and hopefully will reconcile the permit ambiguity.

**Restroom signs** have been in place since the building was completed. As you know the women's restrooms and showers are open, and the men's are accessed is by pushbutton controlled by the harbormaster every day to minimize vandalism. Some problems continue as men sometimes enter the women's restroom (especially after hours) and many women want their facilities locked also.

### **Entrance signs**

As we discussed, "no trespassing violators will be prosecuted" signs on the southern boundary of the marina are Cargill signs on Cargill land. Similarly, the "no trespassing" signs and fence at the northwest corner prevent access from at that point, are on PSC property, and consistent with our PSC license and Redwood City's Use Permit. Finally, the "private facility no trespassing" signs at the harbor street entrance were removed in September.

Since removing the signs we are experiencing greatly increased trespassing and vandalism problems. You and I already talked about thefts—all the copper wire for the eastern side of the harbor were stolen last month (\$20,000), and recently the remainder of the wire rolls, a welder, generator and large compressor. Two outboard motors were also stolen from boats in the harbor. Our members are very unhappy that the harbor is now "wide open" with no control, and have gone from feeling secure to unsafe.

Westpoint Harbor is a private marina and boatyard facility, albeit with public access accommodations. We are comfortable with signage indicating both but need to preclude and prevent the increasingly problems with people who argue their right to enter the harbor house as if it was a public facility, climb onto members' boats, fish in the harbor, enter restricted areas of the harbor or get onto Cargill. We have had several reported instances of visitors being very aggressive and verbally abusive to our boaters, asserting the harbor is public and they can go anywhere they want. A sign advising "there are no restaurants in the harbor" will not fix this problem.

We would propose signs indicating the following;